STATEMENT OF BASIS (AI No. 2510)

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0055611** to discharge to waters of the **State of Louisiana** as per LAC 33:IX.2311.

COMPANY/FACILITY NAME: DPC Enterprises, LP
DPCE Reserve
P. O. Box 24600
Houston, Texas 77229-4600

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Paula M. Roberts
Industrial Permits Section
Water Permits Division
Phone: (225)219-3086
E-mail: paula.roberts@la.gov

DATE PREPARED: August 4, 2009

I. PERMIT ACTION/STATUS:

Reason for Permit Action: Proposed Issuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

A. LPDES permit LA0055611: Effective date – August 1, 2003
Issuance date – June 30, 2003
Expiration date – July 31, 2008

B. Date Application Received: A renewal application was received on June 27, 2008. Additional information was submitted via email on June 25, 2009, July 9, 2009, July 10, 2009, July 16, 2009 and July 17, 2009.

II. FACILITY INFORMATION:

A. LOCATION FACILITY- 620 West 10th Avenue in Reserve, St. John the Baptist Parish (Latitude 32°04'29", Longitude 90°33'52")

B. TYPE/ACTIVITY – Chemical Repackaging, Manufacturing and Distributing

This applicant operates a compressed gas repackaging and inorganic chemical repackaging, manufacturing and distributing plant. The DPCE-Reserve facility operations include repackaging compressed gases, particularly chlorine and sulfur dioxide from rail car sized containers into 50 pound pressurized cylinders. Inorganic chemicals are also repackaged from bulk containers into smaller containers. DPCE also manufactures sodium hypochlorite and sodium bisulfate. Process wastewater is generated from the pad wash down area and drum rinsing when necessary, along with cooling tower blowdown.

C. FEE RATE

1. Fee Rating Facility Type: Minor
2. Complexity Type: IV*
3. Wastewater Type: III
4. SIC code: 5169

* BPJ for the complexity assigned to SIC code 2819, industrial subcategory for Sodium Compounds, Inorganic, which is the closest match to facility operations

III. RECEIVING WATERS:

STREAM – a drainage ditch, thence into a parish relief canal, thence into Lake Maurepas

A. TSS (15%), mg/l: 8.4 mg/l
B. Average Hardness, mg/l $CaCO_3$: 177.8
C. Critical Flow, cfs: 0.1
D. Mixing Zone Fraction: 0.33
E. Harmonic Mean Flow, cfs: 1
F. River Basin: Lake Pontchartrain, Subsegment No. 040602
G. Designated Uses:
   a. primary contact recreation
   b. secondary contact recreation
   c. fish and wildlife propagation

IV. OUTFALL INFORMATION:

Outfall 001

Discharge Type: intermittent discharge of stormwater runoff from the north side of the plant and previously monitored effluent from Internal Outfall 101

Treatment: Dechlorination and Neutralization

Location: At the point of discharge from the ditch on the north side of the plant, after Internal Outfall 101 and prior to combining with other waters (Latitude 30°04'29", Longitude 90°33'52")

Flow: Intermittent – 0.015 MGD

Discharge Route: a drainage ditch, thence into parish relief canal, thence into Lake Maurepas

Internal Outfall 101

Discharge Type: intermittent batch discharge of process wastewater from the sump on the north side of the plant

Treatment: Dechlorination and Neutralization

Location:	At the point of discharge from the process wastewater tank, prior to entering the sump where the process wastewater mixes with stormwater runoff prior to combining with waters of Outfall 001 (Latitude 30°04'29", Longitude 90°33'52")
Flow:	Intermittent – 0.015 MGD
Discharge Route:	a drainage ditch, thence into parish relief canal, thence into Lake Maurepas

Outfall 002

Discharge Type:	intermittent discharge of stormwater runoff from the south side of the plant
Treatment:	None
Location:	At the point of discharge from the ditch on the south side of the plant prior to combining with other waters (Latitude 30°04'24", Longitude 90°33'49")
Flow:	Intermittent – 0.005 MGD
Discharge Route:	a drainage ditch, thence into parish relief canal, thence into Lake Maurepas

V. PROPOSED PERMIT LIMIT:

Summary of Proposed Changes from the Current LPDES permit:

The permittee submitted data on the Discharge Monitoring Reports (DMR) during the period of July 2003 through December 2007 for Total Copper, Hexavalent Chromium and Total Zinc. In accordance with LAC 33:IX.2707.D.1./40 CFR 122.44(d)(1), the existing discharge(s) were evaluated using the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, LDEQ, April 16, 2008, to determine whether any one of these pollutants would be discharged "at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard." Based on the water quality screen, water quality based limits are necessary for Total Copper. Water quality based limits are not necessary for Hexavalent Chromium and Total Zinc, therefore, these two pollutants have been removed from the permit.

VI. PERMIT LIMIT RATIONALE:

Outfall 001– intermittent discharge of stormwater runoff from the north side of the plant and previously monitored effluent from Internal Outfall 101

Parameter	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Reference
Flow	Report	Report	1/month	Estimate	LAC 33:IX.2707.I.1.b
TOC	---	50 mg/l	1/month	Grab	BPJ;Current Permit
Oil & Grease	---	15 mg/L	1/month	Grab	BPJ; Current Permit
pH	6.0 S.U. (min)	9.0 S.U. (max)	1/month	Grab	LAC 33:IX.1113.C.1

Site-Specific Consideration(s)

Flow - established in accordance with LAC 33:IX.2707.I.1.b.

TOC and Oil & Grease - limitations are based upon BPJ in accordance with this Office's guidance on stormwater, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6).

pH – established in accordance with LAC 33:IX.1113.C.1.

Interim Effluent Limitations for Internal Outfall 101 shall begin on the effective date of the permit and expire three years after the effective date of the permit.

Internal Outfall 101 – intermittent discharges of process wastewater from the sump on the north side of the plant*

Parameter	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Reference
Flow	Report	Report	1/month	Estimate	BPJ; Current Permit
BOD_5	30 mg/l	45 mg/L	1/month	Grab	BPJ; Current Permit
TSS	25 mg/l	50 mg/L	1/month	Grab	BPJ; Current Permit
Chlorides	---	250 mg/L	1/month	Grab	BPJ; Current Permit
Total Residual Chlorine	---	0.2 mg/L	1/month	Grab	BPJ; LAG480000
Total Copper	Report	Report	1/quarter	Grab	BPJ;Current Permit
pH	6.0 S.U. (min)	9.0 S.U. (max)	1/month	Grab	LAC 33:IX.1113.C.1

Final Effluent Limitations for Internal Outfall 101 shall begin three years after the effective date of the permit and expire on the expiration date of the permit.

Internal Outfall 101 – intermittent discharges of process wastewater from the sump on the north side of the plant*

Parameter	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Reference
Flow	Report	Report	1/month	Estimate	BPJ; Current Permit
BOD_5	30 mg/l	45 mg/L	1/month	Grab	BPJ; Current Permit
TSS	25 mg/l	50 mg/L	1/month	Grab	BPJ; Current Permit
Chlorides	---	250 mg/L	1/month	Grab	BPJ; Current Permit
Total Residual Chlorine	---	0.2 mg/L	1/month	Grab	BPJ; LAG480000
Total Copper	0.053 mg/L	0.127 mg/L	1/quarter	Grab	WQBL
pH	6.0 S.U. (min)	9.0 S.U. (max)	1/month	Grab	LAC 33:IX.1113.C.1

Site-Specific Consideration(s)

Flow- established in accordance with LAC 33:IX.2707.I.1.b.

BOD_5, TSS and Chlorides-effluent limitations and monitoring requirements were established in the previous permit. Through Best Professional Judgment, these limits and monitoring frequencies have been retained.

Total Copper - see Section VI. Water Quality Based Limitations. In accordance with the regulations, a three year compliance schedule has been included in the permit to give the permittee time to meet the water quality based limit proposed.

Total Residual Chlorine- effluent limitations are established in accordance with LAG 480000 General Permit for Light Commercial Facilities, effective August 1, 2001 and Best Professional Judgment.

pH – established in accordance with LAC 33:IX.1113.C.1.

*The facility has a practice of recycling this wastewater by collecting the wastewater in the wastewater tank and transferring it to the scrubber to make blow-down bleach during the chlorine repack process. This bleach is then sent to the continuous bleach unit for polishing before transfer to the sodium hypochlorite storage tanks and for sale to customers.

Outfall 002– intermittent discharge of stormwater runoff from the south side of the plant

Parameter	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Reference
Flow	Report	Report	1/month	Estimate	LAC 33:IX.2707.I.1.b
TOC	---	50 mg/l	1/month	Grab	BPJ; Current Permit
Oil & Grease	---	15 mg/L	1/month	Grab	BPJ; Current Permit
pH	6.0 S.U. (min)	9.0 S.U. (max)	1/month	Grab	LAC 33:IX.1113.C.1

Site-Specific Consideration(s)

Flow - established in accordance with LAC 33:IX. 2707.I.1.b.

TOC and Oil & Grease - limitations are based upon BPJ in accordance with this Office's guidance on stormwater, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6).

pH – established in accordance with LAC 33:IX.C.1.

VII. WATER QUALITY BASED EFFLUENT LIMITATIONS:

In accordance with LAC 33:IX.2707.D.1./40 CFR 122.44(d)(1), the existing discharge(s) were evaluated using the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, LDEQ, April 16, 2008, to determine whether pollutants would be discharged "at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard." The permittee submitted data on the Discharge Monitoring Reports (DMR) during the period of July 2003 through December 2007 for Total Copper, Hexavalent Chromium and Total Zinc. Twelve data points were evaluated and a geometric mean was calculated for each pollutant. The geometric mean value for each pollutant was used in the water quality based spreadsheet. Based on the water quality screen, water quality based limits are necessary for Total Copper. Water quality based limits are not necessary for Hexavalent Chromium and Total Zinc, therefore, these pollutants have been removed from this permit. Please refer to Appendix B for DMR data and Appendix B-1 and B-2 for calculations, results and documentation.

VIII. COMPLIANCE SCHEDULE:

The permittee shall achieve compliance with the effluent limitations and monitoring requirements specified for discharges in accordance with the following schedule:

ACTIVITY	DATE
Achieve Interim Effluent Limitations and Monitoring Requirements	Effective Date of the Permit
Achieve Final Effluent Limitations and Monitoring Requirements	Three years after the effective date of the permit

The permittee shall achieve compliance with the final effluent limitations specified for Total Copper within three years of the effective date of this permit.

The permittee shall initiate and continue ongoing activities designed to achieve sustained compliance with final effluent limitations for Total Copper no later than three years after the effective date of this permit.

No later than fourteen calendar days following the date for compliance for Total Copper, the permittee shall submit a written notice of compliance or noncompliance to the Office of Environmental Compliance.

During the Draft Permit comment period, the permittee may conduct and submit the results of three (3) or more additional effluent analyses to either refute or substantiate the presence of the toxic pollutant(s) limited in the Draft Permit. Additional effluent analyses should be collected no less than 48 hours apart. The additional analyses will be evaluated by this Office to determine if the pollutant is potentially in the effluent and if it potentially exceed the State's water quality standards.

IX. TMDL WATERBODIES:

Subsegment No. 040602, Lake Maurepas is listed on LDEQ's FINAL 2006 305(b)/303(d) Integrated Report with EPA Additions dated February 15, 2008 as fully supporting its designated use of secondary contact recreation and not supporting the designated uses of primary contact recreation and fish and wildlife propagation. The 305(b)/303(d) Integrated Report list fecal coliform (IRC-Category 5) and non-native aquatic plants as impairments. A TMDL for Fecal coliform is projected to be completed by 2011.

A review of the renewal application revealed that there was no mention of any sanitary wastewater being discharged from the site. Therefore, this discharge poses no threat to the fecal coliform impairment.

Non-native aquatic plants are introduced into a waterbody through discharges such as ship ballast water, where the ballast water originates from a different area/waterbody. Outfall 001 does not contain wastewaters that are discharged from a ship building facility nor does the wastewater originate from other watebodies; therefore, LDEQ has determined that there is no reasonable potential for this discharge to cause further impairments to the receiving water body.

No additional requirements were imposed in this permit as a result of the fecal coliform and non-native aquatic plants impairment. However, a reopener clause has been placed in Part II of the permit to allow for more stringent or additional limitations or requirements to be placed in the permit, if needed, as a result of the establishment of any future TMDLs.

X. STORMWATER POLLUTION PREVENTION PLAN (SWP3):

In accordance with LAC 33:IX.2707.I.3 and 4 [40 CFR 122.44(I)(3) and (4)], a Part II condition is proposed for applicability to all storm water discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet

flow. **For first time permit issuance**, the Part II condition requires a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. **For renewal permit issuance**, Part II condition requires a Storm Water Pollution Prevention Plan (SWP3) be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference to the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasures Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. The conditions will be found in the draft permit. Including Best Management Practice (BMP) controls in the form of a SWP3 is consistent with other LPDES and EPA permits regulating similar discharges of stormwater associated with industrial activity, as defined in LAC 33:IX.2522.B.14 [40 CFR 122.26(b)(14)].

XI. COMPLIANCE HISTORY/DMR REVIEW:

A compliance history was done covering the period of March 2007 to May 2009.

A. The DMRs submitted in accordance with the LA0055611 reviewed during this period revealed no excursions; however, the permit required monthly monitoring for each outfall. A review of EDMS revealed a set of DMRs submitted quarterly for the period March 2007 through December 2007. One set of DMRs for the period January 2008 through December 2008.

B. Inspections – There were no facility inspection reports noted in EDMS or TEMPO for this facility performed during the period March 2007 through May 2009, however there was a phone call made to the facility as a part of the Hurricane Gustav Facility Assessment.

C. Compliance History - There are no open, appealed, or pending enforcement actions for this facility.

XII. ENDANGERED SPECIES:

The receiving waterbody, Subsegment No. 040602 of the Lake Pontchartrain Basin has been identified by the U.S. Fish and Wildlife Service as habitat for the Gulf Sturgeon, which is listed as an endangered species. LDEQ will submit this draft permit to the U.S. Fish and Wildlife Service (FWS) for review in accordance with the letter dated 11/07/08 from Rieck (FWS) and Nolan (LDEQ). The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as an aquatic habitat. The more stringent of technology and water quality based limits have been applied to ensure maximum protection of the receiving waterbody. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

XIII. HISTORIC SITES

The discharges are from an existing facility, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

XIV. "IT" QUESTIONS – Applicant's Responses:

DPCE – Reserve is a minor facility. Therefore, IT Questions were not required to be submitted.

XV. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

XVI. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper(s) of general circulation

Department of Environmental Quality Public Notice Mailing List

XVII. REOPENER CLAUSE

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.